

REMARKS

The Applicant respectfully requests further examination and reconsideration in view of the above amendments and arguments set out fully below. Claims 1-7, 9-18, 20, 21, 40 and 41 were pending in this application. Applicant respectfully acknowledges allowance of Claims 1-7, 9-18, 20 and 21. Claims 40 and 41 have been rejected. By way of the above amendment, Claims 4, 5, 7, 15-18, 21, 40 and 41 have been amended. Accordingly, Claims 1-7, 9-18, 20, 21, 40 and 41 are still now pending.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 40 and 41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,914,485 to Curtis (hereinafter Curtis).

Within the Office Action it is stated that Curtis discloses a liquid (printable) medium for creating relief art or texturing on the surface of a substrate, the medium including a water based emulsion and an expandable polymer. It is also stated that Curtis teaches that the pattern can be directly applied to the surface of the substrate and suggests a dispenser for dispensing the medium onto the surface of the substrate.

Curtis teaches applying at least one resinous composition to a selected area of a substrate, applying at least one overall layer comprising foamable resinous composition and heating to produce a textured result. [Curtis; Abstract] Curtis teaches that the resinous compositions selectively applied to the surface of the substrate are "preferably essentially non-foamable, since although foamable compositions which are blown before application of the overall foaming layer(s) can if desired be used this may result in imperfections such as bubbles in the final product." [Column 3, lines 5-9] While Curtis suggests printing a resinous layer using rotary screen printing, Curtis fails to teach or suggest a decorating medium with rheology suitable for writing a pattern onto a substrate surface in a serial fashion using, for example, a liquid dispenser with a dispensing nozzle.

It is important that the formation of the decorating medium of the present invention is suitable for writing patterns on substrates such as cloth or clothing. Accordingly, the liquid decorating medium of the present invention is preferably formulated to have a viscosity in a range of 3,000 to 25,000 centipoise and such that the liquid decorating medium can be applied

directly onto the substrate surface in a pattern, such as claimed in the independent Claim 40. A resinous medium that is suitable for screen printing is not suitable for writing patterns directly onto substrates such as cloth or clothing. The resinous medium would experience re-flow and the pattern would be compromised. Further, it is preferable that the decorating medium of the present invention has rheology suitable for dispensing in a pattern onto the substrate through a liquid dispenser and a dispensing nozzle, such as claimed in the independent Claim 41. Curtis fails to teach or suggest a decorating medium with rheology for directly writing a pattern on a surface of a substrate and that is suitable for dispensing from a liquid dispenser and a dispensing nozzle for accomplishing the same.

The independent Claim 40 is directed to a liquid decorating medium for creating relief art on a substrate surface. The liquid decorating medium of Claim 40 comprises a water-based emulsion body and an expandable polymer with a blowing agent encapsulated therein, wherein the liquid decorating medium has a viscosity in a range of 3,000 to 25,000 centipoise and is capable of being applied directly onto the substrate surface in a pattern and subsequently cured to form a relief of the pattern. As discussed above, Curtis fails to teach or suggest a liquid decorating medium for creating relief art on a substrate surface wherein the decorating medium has a viscosity in a range of 3,000 to 25,000 centipoise and is capable of being applied directly onto the substrate surface in a pattern. For at least these reasons, the independent Claim 40 is allowable over the teachings of Curtis.

The independent Claim 41 is directed to a system for decorating surfaces. The system of Claim 41 comprises a liquid decorating medium comprising a water based heat curable and expandable medium and a water compatible decorating additive for mixing with the heat curable and expandable medium and a liquid dispenser with a nozzle for dispensing the liquid decorating medium directly onto a surface in a pattern from the nozzle. As discussed above, Curtis fails to teach or suggest a system comprising a liquid decorating medium and liquid dispenser with a nozzle for dispensing the liquid decorating medium directly onto a surface in a pattern from the nozzle. For at least these reasons, the independent Claim 41 allowable over the teachings of Curtis.

Claims 4, 5, 7, 15-18 and 21 have been amended to correct minor grammatical errors only. No new subject matter has been added by way of the above amendment. Applicant respectfully submits that the Claims 1-7, 9-18, 20, 21, 40 and 41 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any

questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: December 19, 2003

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

Attorneys for Applicant